

IN THE CLAIMS:

Please amend Claims 34, 35, 37, 38, and 40-42, as indicated below. The following is a complete listing of claims and replaces all prior versions and listings of claims in the present application:

1. - 33. (canceled)

34. (currently amended) A communication apparatus including a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol, the apparatus comprising:

a central processing unit;

a memory unit coupled to the central processing unit;

a Voice over Internet Protocol (VoIP) connection unit adapted to establish a VoIP channel via an Internet Protocol (IP) network using a VoIP protocol ~~through an Internet Protocol (IP) network~~;

an IP communication unit adapted to communicate image data to a communication partner station via the IP network using a ~~predetermined~~ file transmission protocol that is one of a plurality of predetermined file transmission protocols ~~through the IP network~~;

an IP address obtaining unit adapted to obtain an IP address of the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on a telephone number of the communication partner station;

a determination unit adapted to determine whether a data communication ~~through~~ via the IP network uses the ~~predetermined~~ file transmission protocol by transmitting an initial message of the file transmission protocol based on a response message received from the SIP proxy server, the response message indicating an end of a SIP message exchange; and

a control unit adapted to select the facsimile communication unit or the IP communication unit, in accordance with a determination by the determination unit,

wherein, if the determination unit determines that the data communication ~~through~~ via the IP network uses the ~~predetermined~~ file transmission protocol, the control unit selects the IP communication unit, and, if the determination unit determines that the data communication ~~through~~ via the IP network does not use the ~~predetermined~~ file transmission protocol, the control unit selects the facsimile communication unit,

and wherein, if the control unit selects the IP communication unit, the control unit causes the IP communication unit to communicate the image data to the communication partner station using the ~~predetermined~~ file transmission protocol using the IP address of the communication partner station obtained by the IP address obtaining unit, and, if the control unit selects the facsimile communication unit, the control unit causes the facsimile communication unit to communicate the image data to the communication partner using the facsimile protocol via the VoIP communication channel established by the VoIP connection unit using the IP address of the communication partner station obtained by the IP address obtaining unit.

35. (currently amended) The communication apparatus according to Claim 34,

wherein the determination unit judges whether the data communication can be performed with the communication partner station via the VoIP communication channel, by interpreting the telephone number of the communication partner station, and

wherein, if the data communication cannot be performed with the communication partner station via the VoIP communication channel, the control unit calls the communication partner station on ~~[[the]]~~ a line switching network and causes the facsimile communication unit to perform analog facsimile communication.

36. (previously presented) The communication apparatus according to Claim 34, wherein the determination unit judges whether a communication can be performed with the communication partner station via the VoIP communication channel, by interpreting the telephone number of the communication partner station, and

wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, the IP address obtaining unit tries to obtain the IP address of the communication partner station from the SIP proxy server.

37. (currently amended) A control method ~~[[for]]~~ performed by a communication apparatus that includes a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol and an Internet Protocol (IP) communication unit adapted to communicate image data to a communication partner station via an IP network using a ~~predetermined~~ file transmission protocol that is one of a plurality of predetermined file transmission protocols ~~through the IP network~~, the control method comprising:

a Voice over Internet Protocol (VoIP) connection step of establishing a VoIP channel via the IP network using a VoIP protocol ~~through the IP network~~;

an obtaining step of obtaining an IP address of the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on a telephone number of the communication partner station;

a determining step of determining whether a data communication ~~through~~ via the IP network uses a ~~predetermined~~ file transmission protocol by transmitting an initial message of the file transmission protocol based on a response message received from the SIP proxy server, the response message indicating an end of a SIP message exchange; and

a control step of selecting the facsimile communication unit or the IP communication unit, in accordance with a determination in the determination step,

wherein, if a determination is made in the determining step that the data communication ~~through~~ via the IP network uses the ~~predetermined~~ file transmission protocol, the IP communication unit is selected, and, if a determination is made in the determining step that the data communication ~~through~~ via the IP network does not use the ~~predetermined~~ file transmission protocol, the facsimile communication unit is selected,

and wherein, if the IP communication unit is selected, image data is communicated to the communication partner station using the ~~predetermined~~ file transmission protocol by using the obtained IP address of the communication partner station, and, if the facsimile communication unit is selected, the image data is communicated to the communication partner using the facsimile protocol using the VoIP communication channel established in the VoIP connection step using the IP address of the communication partner station obtained in the IP address obtaining step.

38. (currently amended) The control method according to Claim 37, wherein whether the data communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and wherein, if the communication cannot be performed with the communication partner station via the VoIP communication channel, the communication partner station is called on ~~[[the]]~~ a line switching network and the facsimile communication unit is caused to perform analog facsimile communication.

39. (previously presented) The control method according to Claim 37, wherein whether the data communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, an attempt to obtain the IP address of the communication partner station from the SIP proxy server is attempted in the IP address obtaining step.

40. (currently amended) A non-transitory computer-readable storage medium having stored therein a computer-executable program for causing a communication apparatus to ~~implement~~ perform a control method, wherein the communication apparatus includes a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol and

an Internet Protocol (IP) communication unit adapted to communicate image data to a communication partner station via an IP network using a ~~predetermined~~ file transmission protocol ~~through an IP network~~, the control method comprising:

a Voice over Internet Protocol (VoIP) connection step of establishing a VoIP channel via the IP network using a VoIP protocol ~~through the IP network~~;

an IP address obtaining step of obtaining an IP address of the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on a telephone number of the communication partner station;

a determining step of determining whether a data communication ~~through~~ via the IP network uses a ~~predetermined~~ file transmission protocol by transmitting an initial message of the file transmission protocol based on a response message received from the SIP proxy server, the response message indicating an end of a SIP message exchange; and

a control step of selecting the facsimile communication unit or the IP communication unit, in accordance with a determination in the determination step,

wherein, if a determination is made in the determining step that the data communication ~~through~~ via the IP network uses the ~~predetermined~~ file transmission protocol, the IP communication unit is selected, and, if a determination is made in the determining step that the data communication ~~through~~ via the IP network does not use the ~~predetermined~~ file transmission protocol, the facsimile communication unit is selected, and

wherein, if the IP communication unit is selected, the image data is communicated to the communication partner station using the ~~predetermined~~ file transmission protocol by using the obtained IP address of the communication partner station, and, if the facsimile communication unit is selected, the image data is communicated to the communication partner

using the VoIP communication channel established in the VoIP connection step using the IP address of the communication partner station obtained in the IP address obtaining step.

41. (currently amended) The non-transitory computer-readable storage medium according to Claim 40,

wherein ~~the determining step determines~~ whether a communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step[[,]] by interpreting the telephone number of the communication partner station, and

wherein, if the communication cannot be performed with the communication partner station via the VoIP communication channel, the communication partner station is called on [[the]] a line switching network and the facsimile communication unit is causes to perform analog facsimile communication in the control step.

42. (currently amended) The non-transitory computer-readable storage medium according to Claim 40,

wherein whether the data communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and

wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, an attempt to obtain the IP address of the communication partner station from the SIP proxy server is attempted in the IP address obtaining step.